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October 15, 2021

Motion granted. Attachment A to this motion
replaces Attachment A to [15].
SO ORDERED: 10/15/21

Daniel M. Petrocelli
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VIA ECF

The Honorable Brian M. Cogan
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Digitally signed by Brian M.
Cogan



USDJ

Re: United States v. Thomas J. Barrack
Criminal Docket No. 1:21-CR-371-2 (BMC)

Dear Judge Cogan:

With the consent of both Pretrial Services and the U.S. Attorney's Office, defendant Thomas J. Barrack, Jr., respectfully moves the Court to modify his bond conditions as set forth in detail below, which will allow Mr. Barrack to fulfill his family and business obligations, and also to prepare for trial with his attorneys.

Under the current and continuing bond conditions, Mr. Barrack has been released on a \$250 million dollar personal appearance bond, secured by \$5 million in cash, over 21 million shares in Digital Bridge and the signatures and property of his adult child, ex-wife and close personal friend. See Docket Entry No. 15. The proposed bond will continue to "reasonably assure the appearance of the defendant as required and the safety of any other person and the community[.]" 18 U.S.C. § 3142(g).

Mr. Barrack proposes that the bond be modified as detailed below. Pretrial Services and the U.S. Attorney's Office have been consulted and consent to each of these proposed changes.

- As needed, with prior approval from Pretrial, the defendant shall be permitted to temporarily reside at a fixed location, to be approved by Pretrial Services, in the Central District of California for the purpose of visiting with his children and attending meetings with his lawyers and otherwise preparing for trial in this matter.
- As needed, with prior approval from Pretrial, the defendant shall be permitted to travel to New York and to temporarily reside at a fixed location, to be approved by Pretrial Services, for the purpose of attending meetings with his lawyers and otherwise preparing for trial in this matter, and to attend business meetings.
- Defendant shall not engage in any domestic financial transactions in excess of \$2 million (excepting normal and customary payment of attorneys' fees, and including but not



limited to any transactions involving publicly held securities of any description) without the prior written consent of the government.

- For transactions between \$1 million and \$2 million, the defendant shall give notice of the transaction to the government within 48 hours, including information related to the transaction date, amount and recipient.

These modifications will allow Mr. Barrack to fulfill his obligations to his minor children who reside and attend school in Los Angeles, to have adequate time to meet and prepare with his Los-Angeles and New York-based attorneys, and to allow Mr. Barrack to return to work. As to the latter request, Mr. Barrack runs a business that often requires complicated and significant financial transactions, as well as substantial payroll and monthly costs, and the success of his business depends on his ability to invest quickly in distressed and other assets.

To date, Mr. Barrack has been fully compliant with his conditions of release and made required appearances before the Court. We respectfully request that the Court replace Attachment A to the July 26, 2021 Order Setting Conditions of Release and Appearance Bond (Docket No. 15) with the revised Attachment A to this letter.

Respectfully submitted,

/s/ Daniel M. Petrocelli

Daniel M. Petrocelli
James A. Bowman
Nicole M. Argentieri
Partners
of O'MELVENY & MYERS LLP

Attachment A

1. As needed, with prior approval from Pretrial, the defendant shall be permitted to temporarily reside at a fixed location, to be approved by Pretrial Services, in the Central District of California for the purpose of visiting with his children and attending meetings with his lawyers and otherwise preparing for trial in this matter.
2. As needed, with prior approval from Pretrial, the defendant shall be permitted to travel to New York and to temporarily reside at a fixed location, to be approved by Pretrial Services, for the purpose of attending meetings with his lawyers and otherwise preparing for trial in this matter, and to attend business meetings.
3. Defendant shall not engage in any domestic financial transactions in excess of \$2 million (excepting normal and customary payment of attorneys' fees, and including but not limited to any transactions involving publicly held securities of any description) without the prior written consent of the government.
 - a. For transactions between \$1 million and \$2 million, the defendant shall give notice of the transaction to the government within 48 hours, including information related to the transaction date, amount and recipient.
4. Defendant shall have no contact with the first named defendant in Eastern District of New York matter No. 1:21-cr-00371 (BMC)(TAM), or with any officials of the United Arab Emirates or the Kingdom of Saudi Arabia or their known associates. Defendant shall have no contact with the third named defendant in Eastern District of New York matter No. 1:21-cr-00371 (BMC)(TAM), other than in the company of their respective counsel.
5. Defendant has surrendered his passports to Pretrial Services on July 23, 2021. He shall not apply for any passport or travel document during the pendency of this case.
6. Defendant shall travel only by road or common air carrier.
7. The defendant shall be subject to GPS monitoring, at his own expense.
8. The defendant shall observe a curfew with hours to be fixed by Pretrial Services.
9. The defendant shall not transfer any funds overseas or engage in any financial transaction with any overseas counterparty.
10. Defendant shall provide any air charter companies used in the last 3 years with a copy of this bond and its travel restrictions.